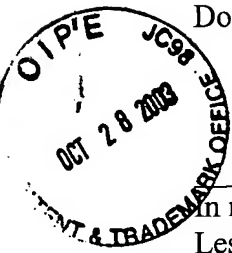


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1648

Docket No.: NEL-001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE **RECEIVED**

In re Patent Application of:  
Leslie P. Nagata et al.

OCT 31 2003

Application No.: 10/023,649

Confirmation No.: 6398

TECH CENTER 1600/2900

Filed: December 21, 2001

Art Unit: 1648

For: NOVEL DNA-BASED VACCINE AGAINST  
THE ENCEPHALITIS ALPHAVIRUSES

Examiner: A. Salimi

**RESPONSE TO RESTRICTION REQUIREMENT**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 29, 2003 (Paper No. 6), Applicants hereby provisionally elect without traverse, Group I, Claim 1, for continued examination. However, Applicants reserve the right to rejoin the non-elected claims, especially the claims of Groups II & III (claims 2-7 & 8-14) as allowed under U.S. practice. Applicants also reserve the right to file a divisional application for the non-elected claims.

Receipt of the initial Office Action on the merits is awaited.

In the event that any additional fees are required with respect to this paper, the Commissioner is hereby authorized to charge our Deposit Account No.18-0013.

Respectfully submitted,

Dated: October 28, 2003

By

Lee Cheng

Registration No.: 40,949

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